

**JOHN S. PANGELINAN**

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Pro se

**FILED**

Clerk  
District Court

**MAY - 2 2008**

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

**IN THE  
UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS**

**JOHN S. PANGELINAN**

Plaintiff,

v.

**DAVID A. WISEMAN, ALEX R. MUNSON,  
CRAIG N. MOORE, MARGARITA D.L.G.  
WONENBERG, MELINDA N. BRUNSON,  
JOSEPH AUTHER, DONALD HALL, WOLF  
CALVERT, GRAND JURORS 1 Thru 23,  
JURORS 1 Thru 12, ROY E. ALEXANDER  
ROBERT T. TORRES, LILLIAN A. TENORIO  
and RUFO T. MAFNAS**

Defendants,

**ANGELITO TRINIDAD, RONNIE PALOMO,  
HERMAN TEJADA, ESPERANZA DAVID,  
ANTONIO ALOVERA and UNITED STATES  
OF AMERICA,**

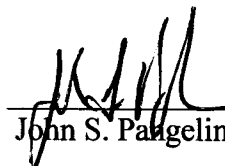
Respondents.

**Civil Action No. 08-0004**

***EX PARTE* MOTION TO  
STRIKE FROM THE RE-  
CORD THE FILINGS BY  
PRIVATE DEFENDANTS  
AND RESPONDENTS OF  
THEIR REPLIES TO OP-  
POSITION TO PRIVATE  
DEFENDANTS' RULE 12  
(b)(6) MOTIONS TO DIS-  
MISS AND TO OBJEC-  
TION TO PRIVATE RES-  
PONDENTS' MOTION  
TO DISMISS ON  
GROUNDS OF RES  
JUDICATA**

**COMES NOW**, John S. Pangelinan, referred hereafter as “Pangelinan”, and moves this court to strike from the record private defendants 1) Robert T. Torres’s and Lillian A. Tenorio’s Reply of Lillian A. Tenorio and Robert T. Torres to Opposition to Rule 12(b)(6) Motion to Dismiss, 2) Rufo T. Mafnas’s and Roy E. Alexander’s Reply of Roy E. Alexander and Rufo T. Mafnas to Opposition to Motion to Dismiss Pursuant to Rule 12(b)(6), and 3) private respondents Angelito Trinidad’s, Ronnie Palermo’s, Herman Tejada’s, Esperanza David’s, and Antonio Alovera’s Reply to Objection to Motion to Dismiss by Angelito Trinidad, Ronnie Palermo, Herman Tejada, Esperanza David, Antonio Alovera on Grounds of Res Judicata, each filed and served on March 7, 2008, as the filing and service of each of the Reply was made one day too late and contrary to Local Rule 7.1, c.,3. of this Court: “The movant shall serve and file any reply to the opposition by the close of business (3:30 p.m.) no later than Thursday in the week following the week in which the opposition was filed.” “As used in statutes, the word ‘shall’ is generally imperative or mandatory.” Nat’l Assoc. of Homes v. Defenders, 168 L.Ed.2d 467 (2007). The record shows that each of the Reply was not timely filed and served on the last day it was supposed to be filed and served, which was Thursday, March 6, 2008. Rather, each Reply was filed and served on Friday, March 7, 2008— Pangelinan filed and served his opposition to their Rule 12(b)(6) motions and his objection to respondents’ motion on February 26, 2008. This motion is made *ex parte* as this is strictly a procedural matter in setting the record right before hearing is made on their motions to dismiss scheduled for May 7, 2008. See docket entries on dates.

Dated this 1<sup>st</sup> day of May, 2008.

  
 John S. Pangelinan, Plaintiff, *pro se*